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Name: Examiner Anthony J. Weler, Art Unit 1761  
Fax: 9,571-273-8300  
RE: 10/721,881  
Date: September 1, 2006  
Pages: 5, including cover page

The following is being submitted to the United States Patent and Trademark Office by Facsimile. Entry is respectfully requested.

☒ **ELECTION WITH TRAVERSE (2 pages)**  
☒ Certificate of Facsimile

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The undersigned hereby certifies that the attached **ELECTION WITH TRAVERSE** was this day September 1, 2006, filed in the United States Patent and Trademark Office via facsimile to facsimile number 9,571-273-8300. Total pages: 5

  
Gail E. Poulos

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From the desk of...  
Gail E. Poulos  
USDA-ARS-Office of Technology Transfer  
5601 Sunnyside Avenue, Rm. 4-1184  
Beltsville, Maryland 20705-5131  
301-504-5302 (voice)  
301-504-5060 (facsimile)  
Gail.Poulos@nps.ars.usda.gov

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of Ferkovich et al.

Docket No. 0182.02

Art Unit: 1761

Serial No. 10/721,881

Examiner: Anthony J. Weier

Filed: November 26, 2003

For: Fecundity-Promoting Factor for the Insidious Flower Bug  
Reared on Artificial Medium

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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**ELECTION WITH TRAVERSE**

Dear Sir:

In response to the requirement for restriction under 35 USC 121, with a mail date of August 22, 2006, Applicants hereby elect with traverse Group A, claims 1-3 and 8-10, drawn to an insect egg protein supplement/artificial medium containing same comprising a homogenate of host insect eggs. The Office further requires Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants elect *Plodia interpunctella* egg homogenate for the species election requirement under 35 USC 121. Claims 1-14 are

all readable on this species election.

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**TRAVERSE**

It is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the Examiner if restriction is not required.

In the instant application, it is believed that a search for an insect egg protein supplement containing *Plodia interpunctella* egg homogenate would simultaneously encompass a search for group B and C directed to claims 4-7 and 11-14, which are drawn to a supplement comprising a palletized embryonic host egg cells (B) and a homogenate of palletized embryonic host egg cells (C).

Furthermore, when searching for Group A, for *Plodia interpunctella* egg cell homogenate, the search would inherently encompass Groups B and C drawn to different forms of the embryonic host egg cells. Especially since the Office did not indicate that the three groups are classified differently.

Therefore, there would be no serious burden on the Examiner to search for the *Plodia interpunctella* supplement of claims 1-7 and an artificial medium containing the *Plodia interpunctella* supplement of claims 8-14 since the *Plodia interpunctella* supplement and the artificial medium would be expected to be found in the same reference as that disclosing pelletized embryonic host insect cells and homogenates of pelletized embryonic host insect cells. For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising groups A-C for *Plodia interpunctella*.

In the event this paper is deemed not timely filed, the undersigned hereby petitions for an appropriate extension of time. Please charge any fees, which may be required by this paper or at any time during prosecution of the instant application, or credit any overpayment, to deposit account 50-2134.

Respectfully submitted,

September 1, 2006  
DATE

Gail E. Poulos  
Gail E. Poulos  
Registration No. 36,327  
USDA-ARS-OTT  
5601 Sunnyside Avenue, Rm.4-1184  
Beltsville, Maryland 20705-5131  
Telephone (301)504-5302

CC:  
J. Fado  
S.Ferkovich

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